



MICHAEL HAUSFELD 1700 K Street, NW  
Suite 650  
Washington, DC 20006  
  
202-540-7200 Main  
202-540-7201 Fax

January 26, 2021

Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, New York 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*  
Case No. 1:13-cv-07789-LGS

Dear Judge Schofield:

Pursuant to Your Honor's Individual Rules of Practice in Civil Cases, Plaintiffs write to request that the Court authorize an extension to the February 17, 2021 deadline to requests for exclusion from the Litigation Class for a small subset of class members which are being noticed directly by Settling Defendant UBS.

On November 19, 2020, the Court entered an Order approving the form and manner of notice of the certified litigation class. ECF No. 1546 (the "Order"). Among other things, the Order required Class Counsel, an agent of the Settling Defendants (Rust Consulting), and certain Settling Defendants to initiate effectuating notice on or before December 18, 2020. The Order also required members of the class requesting exclusion from the Class to mail their request by February 17, 2021. In accordance with the Order, Class Counsel, through their notice agent Epiq Global, Rust Consulting, and Settling Defendants began effectuating the Notice to Litigation Class Members in December. The Notice is also available at [www.fxantitrustsettlement.com](http://www.fxantitrustsettlement.com).

As occurred with the Settlement Notice, due to potential application of foreign bank secrecy and/or privacy laws that restrict the sharing of class member information, certain of the Settling Defendants effectuated notice to some foreign-domiciled class members themselves. Due to circumstances unique to Settling Defendant UBS, despite initiating notice prior to December 18, 2020, UBS has not yet been able to complete the notice distribution to a small number of Litigation Class Members, representing less than five percent of litigation class notices. Throughout this process UBS has conveyed to Class Counsel updates regarding its efforts to complete effectuating



notice by the required deadline, and recently advised Class Counsel that it does not expect to be able to complete the distribution to certain foreign-domiciled Class members until mid-March 2021. Reasons for the delay include challenges created by the Covid-19 pandemic in convening personnel to print, address, and distribute notices, and challenges posed by Swiss and other countries' privacy and banking laws regarding the manner in which UBS customers may be contacted by the bank.

Class Counsel is therefore requesting an extension to the deadline for requests for exclusion to April 27, 2021, for those class members that UBS has not yet sent notice to as of today's date. April 28, 2021 is the date Plaintiffs' reply relating to summary judgment is due, and therefore will not affect any other case deadlines, nor prejudice Defendants or class members. This is the first time Class Counsel has sought an extension to the deadline for requests for exclusion. If approved, any subsequent notices UBS distributes will reflect the new deadline of April 27, 2021. Class Counsel is available to answer any questions the Court may have.<sup>1</sup>

Sincerely,

HAUSFELD LLP

/s/ Michael D. Hausfeld  
Michael D. Hausfeld  
888 16th Street, N.W., Suite 300  
Washington, DC 20006  
Telephone: 202-540-7200  
mhausfeld@hausfeld.com

SCOTT+SCOTT, ATTORNEYS AT LAW, LLP

/s/ Christopher M. Burke  
Christopher M. Burke  
600 W. Broadway, Suite 3300  
San Diego, CA 92101  
Telephone: 619-233-4565  
cburke@scott-scott.com

The application is **GRANTED**. For those Class Members that UBS had not yet sent notice to as of January 26, 2021, the deadline for requests for exclusion is extended to **April 27, 2021**.

Dated: January 27, 2021  
New York, New York

LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> Defendant Credit Suisse takes no position on this letter-motion.